

DANIEL G. BOGDEN
United States Attorney
District of Nevada

MARK E. WOOLF
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Email: *Mark.Woolf@usdoj.gov*

Attorneys for the United States.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHEN D. INGERSON,

Defendant.

Case No. 2:16-cv-02437-KJD-NJK

**UNITED STATES' UNOPPOSED
MOTION TO EXTEND TIME TO FILE
ANSWER**

(First Request)

Pursuant to Fed. R. Civ. P. 6 and Local Rule 6-1, Plaintiff United States of America ("United States") files this unopposed motion to extend time for Defendant Stephen D. Ingerson ("Ingerson") to file a responsive pleading in this matter. It is respectfully requested that this extension be measured for a period of 90-days from the date that Ingerson signed and returned the waiver of service, which was January 17, 2017. Thus, if granted, the responsive pleading would be due on or before **April 17, 2017**. The extension is necessary so that the parties may continue good faith settlement discussions. This is the first request for an extension of time to file the responsive pleading.

Dated this 24th day of January 2017.

DANIEL G. BOGDEN
United States Attorney

/s/ Mark E. Woolf
MARK E. WOOLF
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

The complaint in this matter was filed on October 19, 2017. ECF No. 1. The United States, pursuant to Fed. R. Civ. P. 4(d), sent Ingerson the required notice and that he waive service of the summons. Ingerson received the notice and request, but due to an inadvertent misunderstanding did not return the waiver until January 17, 2017, the deadline for completion of service under Rule 4(m). The waiver was filed that same day. ECF No. 4.

Immediately prior to filing the waiver, the parties began discussions regarding the potential for settlement in this non-complex debt collection matter, and agreed that settlement discussions were the best use of limited resources. Consequently, the United States files this unopposed motion to extend the time for Ingerson to file a responsive pleading for a period of 90-days from the date the waiver of service was returned and filed. The requested extension is not more than is necessary, and the parties are optimistic resolution can be reached short of continued litigation.

Because this request comes after the deadline for a responsive pleading, it must be supported by excusable neglect. *See* Fed. R. Civ. P. 6(b); *see also* Local Rule 6-1. Courts generally consider four factors in evaluating excusable neglect: (1) danger of prejudice to opposing party, (2) length of delay and impact on proceedings, (3) reason for the delay, and (4) whether the movant acted in good faith. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1261 (9th Cir. 2010) (*citing Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 385 (1993)). All of the *Pioneer* factors support the requested extension.

The parties agree to the extension, so there is no danger of prejudice to any party. The length of the delay is minimal and comes before discovery begins. The basis for the request is the belief that this matter can be resolved without protracted, expensive litigation. The extension is sought in good faith and not for any dilatory purpose. Indeed, settlement discussions began before the current deadline to file a responsive pleading and this extension is sought to facilitate further discussions.

Based on the foregoing, it is respectfully requested that the deadline for the filing of a responsive pleading be extended 90-days, or until **April 17, 2017**. A copy of this motion has

1 been provided to Ingerson, who has indicated his non-opposition thereto.

2 Dated this 24th day of January 2017.

3 DANIEL G. BOGDEN
4 United States Attorney

5 /s/ Mark E. Woolf
6 MARK E. WOOLF
7 Assistant United States Attorney

8 IT IS SO ORDERED:

9 
10 _____
11 Nancy J. Koppe
12 United States Magistrate Judge

13 Dated: January 25, 2017

14 **CERTIFICATE OF ELECTRONIC SERVICE**

15 I, Mark E. Woolf, certify that a copy of the **UNITED STATES' UNOPPOSED**
16 **MOTION TO EXTEND TIME TO FILE ANSWER** was served upon Plaintiff Stephen D.
17 Ingerson, who is proceeding in this matter *pro se*, via electronic mail and at the address listed
below on January 24, 2017.

18 Stephen D. Ingerson
19 36 Singing Dove Avenue
Henderson, Nevada 89002

20 /s/ Mark E. Woolf
21 MARK E. WOOLF
22 Assistant United States Attorney
23
24
25
26
27
28